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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,179	07/09/2003	Burkhart Grob	P69008US0	9091

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EXAMINER

JARRETT, RYAN A

ART UNIT PAPER NUMBER

2125

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,179

Applicant(s)

GROB, BURKHART

Examiner

Ryan A. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/1/03, 3/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). The drawings must show every feature of the invention specified in the claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "inherent stiff in itself" in line 7. It is not clear what is meant by this limitation. As best understood by the disclosure, the limitation is being interpreted to simply mean that the physical structure of the station is "stiff" as opposed to "flexible".

Claim 7 recites the limitation "the transfer drive" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 9 recites the limitation "the transfer drives" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the draw-in and push-out device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the draw-in and push-out device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 16, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 21, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 21

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recites the broad recitation "a frame", and the claim also recites "a one-part frame" which is the narrower statement of the range/limitation.

Claim 25 recites the limitation "the adjustment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the respective machining function" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-6, 8, 10, 12, 14, 15, 17-20, and 22-24 depend from claim 1 and incorporate the same deficiencies.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not enable one of ordinary skill in the art to implement the features of claim 25 since there is no discussion in the specification of how the station can be arranged for different uses, or even what the different uses are.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. As best understood, claims 1-11, 13-15, and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Leisner et al. U.S. Patent No. 5,884,746.

Leisner discloses:

1. Transfer line comprising several stations which serve for machining workpieces, the stations being connected to each other by a conveying line on which the workpieces, respectively the workpiece carriers carrying the workpieces, are conveyed from station to station, characterized in that at least one the stations is designed inherent stiff itself and the station is equipped with an autonomously working station control which controls the working procedures of the station (e.g., col. 1 line 39 – col. 2 line 11).
2. Transfer line according to claim 1, characterized in that least one stations is designed as hook machine which is premounted in the plant and can be delivered ready to run (e.g., col. 1 line 39 – col. 2 line 11).
3. Transfer line according to claim 1, characterized in that each station is provided with one transfer drive each (e.g., Fig. 1 #59).
4. Transfer line according to claim 1, characterized in that one transfer drive is assigned to each station (e.g., Fig. 1 #59).
5. Transfer line according to claim 1, characterized in that the station control monitors and controls besides special working procedures of the station, schematic-working sequences (e.g., col. 4 lines 54-57).

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6. Transfer line according to claim 1, characterized in that the station control is designed as an intelligent station control (e.g., col. 3 line 11 - col. 4 line 54).
7. Transfer line according to claim 1, characterized in that the transfer drive provides conveying of the workpiece on the conveying line (e.g., Fig. 1 #59).
8. Transfer line according to claim 1, characterized in that the workpieces are mounted on workpiece carriers (e.g., col. 2 lines 1-11).
9. Transfer line according to claim 1, characterized in that the transfer drives of the different stations are designed such way that they effect independently from each other a movement of each workpiece which has to be conveyed, respectively each workpiece carrier (e.g., col. 2 lines 30-57).
10. Transfer line according to claim 1, characterized in that at the station a draw-in, respectively a push-out, device is provided (e.g., col. 2 lines 58-64).
11. Transfer line according to claim 1, characterized in that the draw-in and push-out device serves particular for positioning of the workpiece, respectively the workpiece carrier, in the station (e.g., col. 2 lines 58-64).
13. Transfer line according to claim 1, characterized in that the draw-in, respectively push-out, device also serves as transfer drive (e.g., col. 2 lines 58-64).
14. Transfer line according to claim 1, characterized in that the conveying line which connects two stations serves as a buffer store for workpieces, respectively workpiece carriers (e.g., col. 4 lines 12-18).
15. Transfer line according to claim 1, characterized in that the conveying line is connected directly the frame the station (e.g., Fig. 1 #59).
17. Transfer line according to claim 1, characterized in that the station control also monitors the incoming conveying line (e.g., col. 3 lines 48-56).
18. Transfer line according to claim characterized in that the station control interrupts the machining workpieces when finished workpieces cannot be conveyed to the outgoing conveying line (e.g., col. 3 lines 48-56).

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19. Transfer line according to claim 1, characterized in that the station control does not feed a new workpiece which has to be machined before the station is free (e.g., col. 3 lines 48-56).
20. Transfer line according to claim 1, characterized in that the station control monitors that finished workpieces will be actually conveyed out (e.g., col. 3 lines 48-56).
21. Transfer line according to claim characterized in that the station has frame, preferably a one-part frame, which holds the machining unit and, if necessary, workpiece slide, respectively workpiece machining table (e.g., col. 1 line 39 – col. 2 line 11, col. 4 line 58 – col. 5 line 12).
22. Transfer line according to claim 1, characterized in that the station is designed module-like and is able function independently (e.g., col. 4 line 58 – col. 5 line 12).
23. Transfer line according to claim 1, characterized in that the station is designed module-like or can be transported (e.g., col. 4 line 58 – col. 5 line 12).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leisner et al. as applied to claim 1 above, and further in view of Menzio U.S. Patent No. 6,684,488. Leisner et al. does not appear to explicitly disclose that slide strips are provided for the support of the workpiece carrier or that the conveying line equipped with driven rollers or frictional rollers or the like. However, such features are well known in the art and have well known advantages and can in no way be considered patentable features of the claimed

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invention. Menzio discloses a manufacturing transfer line containing such features (e.g., col. 2 lines 45-67, col. 4 lines 1-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Leisner et al. with Menzio in order to support, receive, and guide the workpieces carriers of Leisner with slide strips and rollers, as taught by Menzio.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leisner et al. as applied to claim 1 above, and further in view of Kohler U.S. Patent No. 6,535,777. Leisner et al. does not explicitly disclose that the workpiece carriers the workpieces have data carriers which carry information about the workpiece, respectively the machining which has to be carried out on the workpiece, and the station control receives these data from a reader which reads the data carrier. However, Kohler discloses such a feature (e.g., col. 1 lines 1-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Leisner et al. with Kohler in order to prevent workpiece carrier collisions on the transfer line and in order to transfer machining data information to the different machines on the transfer line, as taught by Kohler.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

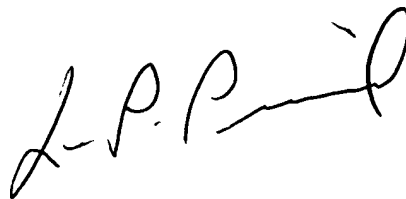
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

6/1/05

A handwritten signature in black ink, appearing to read 'L. Picard', with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100